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**Federal Communications Commission**

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**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Sun Media, Inc.	)	File No.: EB-FIELDNER-14-00015934
Owner of Antenna Structure No. 1215955	)	
	)	NOV No.: V201432320010
Metropolis, Illinois	)	

**NOTICE OF VIOLATION**

**Released: June 23, 2014**

By the District Director, Chicago Office, Northeast Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's rules (Rules)<sup>1</sup> to Sun Media, Inc., registrant of antenna structure number 1215955 in Brookport, Illinois. Pursuant to Section 1.89(a) of the Rules, issuance of this Notice does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violations noted herein.<sup>2</sup>

2. On April 28 and 29, 2014, an agent of the Enforcement Bureau's Chicago Office inspected antenna structure number 1215955 Brookport, Illinois, and observed the following violations:

- a. 47 C.F.R § 17.23(a): "Unless otherwise specified by the Commission, each new or altered antenna structure to be registered on or after January 1, 1996, must conform to the FAA's painting and lighting recommendations set forth on the structure's FAA determination of 'no hazard'...." The FCC's Antenna Structure Registration (ASR) database currently indicates that antenna structure number 1215955 requires red obstruction lighting during the nighttime in accordance with FCC paragraphs 3, 4, 13, 21. At the time of inspection, the top-level flashing obstruction beacon on the antenna structure was steady burning instead of flashing and the mid-level beacon was extinguished.
- b. 47 C.F.R § 17.48(a): "The owner of any antenna structure which is registered with the Commission and has been assigned lighting specifications referenced in this part shall report immediately by telephone or telegraph to the nearest Flight Service Station or office of the Federal Aviation Administration any observed or otherwise known extinguishment or improper functioning of any top steady burning light or any flashing

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<sup>1</sup>47 C.F.R. § 1.89.

<sup>2</sup> 47 C.F.R. § 1.89(a).

obstruction light, regardless of its position on the antenna structure, not corrected within 30 minutes. Such reports shall set forth the condition of the light or lights, the circumstances which caused the failure, the probable date for restoration of service, the FCC Antenna Structure Registration Number, the height of the structure (AGL and AMSL if known) and the name, title, address, and telephone number of the person making the report.” At the time of the inspection, the Chief Operator indicated he has been aware for some time that the top-level beacon was steady instead of flashing, as required, and that the mid-level beacon was extinguished. However, he failed to notify the Federal Aviation Administration within 30 minutes of observing the improper functioning and extinguished beacons.

3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,<sup>3</sup> and Section 1.89 of the Commission’s Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, Sun Media, Inc. must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and (iii) must include a time line for completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.<sup>4</sup>

4. In accordance with Section 1.16 of the Commission’s rules, we direct to support his response to this Sun Media, Inc. Notice with an affidavit or declaration under penalty of perjury, signed and dated by Sun Media, Inc., verifying the truth and accuracy of the information therein,<sup>5</sup> and confirming that all of the information requested by this Notice which is in the licensee’s possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.<sup>6</sup>

5. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission  
Chicago Office  
1550 North Northwest Highway, Room 306  
Park Ridge, IL 60068

6. This Notice shall be sent to Sun Media, Inc. at its address of record.

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<sup>3</sup> 47 U.S.C. § 308(b).

<sup>4</sup> 47 C.F.R. § 1.89(c).

<sup>5</sup>Section 1.16 of the Commission’s rules provides that “[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person . . . . Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : ‘I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)’.” 47 C.F.R. § 1.16.

<sup>6</sup>18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

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7. The Privacy Act of 1974<sup>7</sup> requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance.

FEDERAL COMMUNICATIONS COMMISSION

G. Michael Moffitt  
Regional Director  
Northeast Region  
Enforcement Bureau

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<sup>7</sup>P.L. 93-579, 5 U.S.C. § 552a(e)(3).